UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

FEDERAL TRADE COMMISSION,)	
Plaintiff,)	
v.)	CIVIL ACTION NO.: 1:04-CV-3294-CAP
NATIONAL UROLOGICAL GROUP, INC., et al.,)))	
Defendants.)	

DEFENDANT STEVE SMITH'S RESPONSE TO THE COURT'S ORDER OF NOVEMBER 5, 2012

COME NOW Defendant Steve Smith ("Smith") individually by and through the undersigned counsel of record, Stephen B. Murrin, and responds to the Court's order of November 5, 2012 (Doc. 458), as follows:

The Court's November 5, 2012 ORDER lays out the web of confusion that this counsel unfortunately and inadvertently contributed to. It should be stated forthwith that any omission of undersigned counsel's signature was without intention to create confusion rather it was omitted to simplify the pleadings and for adding to the confusion of the day, I personally apologize.

At this time I, in accordance with my Entry of Appearance filed on December 9, 2011, am counsel on behalf of Mr. Steve Smith . I do not now nor have I in the past, in the above captioned case, represented any other party in this case either corporate or individual.

A review of the record indicates that I did not in fact separately adopt the responses filed by counsel for Hi-Tech and Mr. Wheat specifically with respect to the May 31, 2012 Order to Show Cause. I mistakenly believed my consent had been granted to sign that responsive pleading on behalf of Mr. Smith by alternate counsel in this case. I will contemporaneously with this response file an adoptive pleading of said responses to the aforementioned Order.

Respectfully submitted this 13th day of November,

/s/ Steve Murrin

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Attorneys for the Contempt Defendant Steve Smith

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(D)

Pursuant to Local Rules 5.1(C) and 7.1(D), I hereby certify that this response was prepared in Microsoft Word using 14-point Times New Roman font.

Respectfully submitted this 13th day of November, 2012.

<u>/s/Steve Murrin</u> Georgia Bar No. 532425

CERTIFICATE OF SERVICE

I hereby certify that the above document was electronically filed using the CM/ECF system and was served upon all counsel of record via electronic mail on this the 13th day of November, 2012.

/s/ Steve Murrin Georgia Bar No. 532425